King County	Department of Adult and Juvenile Detention Adult Division General Policy Manual	
	Chapter 6 **Resident Classification and Discipline**	
6.01.012 – Accommodating People with Disabilities	Approved By:	Director Allen Nance
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Policy
It is the policy of this Department not to exclude any qualified person with a disability, by reason of such disability, from participating in or be denied the benefits of services, programs, or activities, and not to subject them to discrimination.

Purpose
To outline the procedures for accommodating qualified persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

References
Americans with Disabilities (ADA), Act Title II
PREA Standard 115.16
DAJD Policies: 4.02.005 - Search of Residents
5.01.001 - Intake Procedures
6.03.003 - Critical Resident Placement
6.04.003 - Prison Rape Elimination Act (PREA)

Definitions: Unless otherwise defined, terms used in this policy follow the definitions within Title II of the ADA.
Disability: A physical or mental impairment that substantially limits one or more major life activities, having a record of such impairment, or being regarded as having such an impairment.
Qualified Person: A person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by DAJD, whether such services, programs, or activities are voluntary or involuntary. For the purposes of this policy, this term does not include DAJD employees and contractors.
ADA Coordinator: The staff member who is responsible for coordinating the Department's efforts in complying with and carrying out its responsibilities under the ADA.
Grievance Coordinator: For purposes of this policy, the staff member who is responsible for forwarding all resident ADA grievances to the ADA Coordinator.
Effective Communication: Communication with persons with disabilities that is as effective as communication with others, achieved by furnishing appropriate Auxiliary Aids and Services where

to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities provided by DAJD.

Communication Assessment Tool (CAT): A resource used to assess the communication needs of residents with hearing, vision and speech disabilities and create a plan for what auxiliary aids or services the resident will need for effective communication

Reasonable modifications (also referred to as "reasonable accommodations"): Are changes to King County policies, practices, or procedures necessary to avoid discrimination based on disability and to ensure equal access to DAJD and JHS services, programs, and activities.

Primary Consideration: When determining what auxiliary aid or service to provide to a resident with a disability, staff will inquire as to the choice of Auxiliary Aid or Service of the resident and honor the expressed choice unless the Department can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens. The decision that the individual's expressed choice would result in such alteration or burdens must be made by the head of the Department or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

Auxiliary Aids and Services: Includes Qualified Interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or heard of hearing. These further include qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision, acquisition or modification of equipment or devices, and other similar services and actions.

Auxiliary Aids or Services Plan: A plan that identifies what auxiliary aids and services will be provided to a resident with a hearing or vision disability that will allow for effective communication throughout their incarceration.

Accessible format: A format that is available and usable by a resident with a vision disability depending on the needs and preferences of the resident and generally includes materials that are: audible (e.g., audio recordings), in large print (i.e., size 18-point Arial font or bigger), or can be read with assistive technology (e.g., screen reading or magnification software), or in Braille for materials that are not subject to frequent updates and changes.

Direct Threat: A threat to the health or safety of others that will be determined based on reasonable judgement that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk probability that the potential injury to others will actually occur; and whether reasonable modifications of policies, procedures, or practices of auxiliary aids or services will mitigate the risk.

A. General Guidelines

1. The Department will not discriminate against qualified persons with disabilities on the basis of their disability in their access to services, programs, and activities and will make

reasonable modifications to policies, practices, or procedures when necessary to avoid discrimination on the basis of a disability, unless the Department can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity.

2. The Department will not limit access to services, programs and activities based on safety risks unless it conducts an individualized assessment to determine whether providing such access would pose a direct threat that cannot be mitigated through reasonable modifications of policies, practices or procedures or provision of auxiliary aids and services.
3. The Department will make appropriate auxiliary aids and services available to persons with disabilities when necessary to ensure effective communication, giving primary consideration to the expressed preferences of the individuals.
4. Whenever a resident with hearing and/or vision disabilities is booked, booking staff will use the CAT to assess the needs of the resident with hearing and vision disabilities and use the resident's answers to develop an Auxiliary Aids or Services Plan.
    a. Booking should be delayed until auxiliary aids or services required for effective communication can be provided.
    b. The type of Auxiliary Aid or Service necessary to ensure effective communication will vary in accordance with the method of communication used by the resident, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. The following include, but are not limited to, situations where the Auxiliary Aids or Services Plan will account for the potential need for a Qualified Interpreter to ensure effective communication:
        1) Initial intake and booking, orientation, and classification processing;
        2) Educational classes and activities;
        3) Classification review interviews;
        4) Grievance interviews or processes;
        5) Religious services; and
        6) Investigations.
    c. In determining the type of Auxiliary Aid or Service necessary to comply with the ADA, staff shall inquire and give primary consideration to the expressed preference for a particular Auxiliary Aid or Service by a resident who has a disability.
    d. Staff shall record the information collected from the CAT and the Auxiliary Aids or Services Plan and share that information in a manner that is accessible to all relevant DAJD and Jail Health Services (JHS) staff involved in the resident's care and supervision during their period of detention.
        1) The Department will take appropriate steps to ensure that all staff having contact with a resident with hearing, vision, or speech disabilities are made aware of the resident's disability and are required to follow their Auxiliary Aids or Services Plan to achieve effective communication.
    e. When creating an Auxiliary Aids or Services Plan, staff will notify residents with disabilities of the Department's grievance resolution process, to whom complaints should be made, and of the right to receive a written response to the complaint.
    f. All Auxiliary Aids or Services Plans will be forwarded to the ADA Coordinator for review and possible modification.
    g. The ADA Coordinator will ensure that the aids/services plan is shared in a manner that is accessible to all relevant DAJD and JHS staff involved in the resident's care and supervision.
5. DAJD staff shall follow all Auxiliary Aids or Services Plans and implement approved reasonable modifications without retaliating against residents (including bullying and

harassment, expressing unqualified opinions about residents' conditions and disabilities, or withholding other privileges or opportunities).

6. If at any point after booking DAJD staff believe that a resident with a disability may need auxiliary aids or services, or different auxiliary aids or services, to effectively communicate, or a reasonable modification to access services, programs, or activities, staff will as soon as is practicable, but no later than 24 hours after the discovery or claim of a need for auxiliary aids and services, notify the ADA Coordinator .
    a. If staff believe that a resident with a hearing, vision, or speech disability is not receiving equal access to services because of his or her disability or learns of a complaint regarding the same, staff will bring the issue to the attention of the ADA Coordinator within 24 hours.
7. The Video Relay Service (VRS) application will be made available for use by residents who are deaf, hard of hearing, or have speech disabilities. Residents will be afforded the opportunity to use VRS for at least 45 minutes, and additional time will be allotted for travel to and from the Telecommunications Devices if it is not housed with the resident.
8. Each resident with a hearing, vision, or speech disability will be offered the opportunity to have a modified identification ("ID") card that identifies them as having a hearing, vision, or speech disability.
9. The Department will ensure that residents with vision disabilities can communicate with DAJD and JHS staff by having access to materials in accessible format that allows them to express and receive information as independently as possible without relying unnecessarily on third parties.
10. To ensure effective communication with residents with disabilities, the Department will provide access to qualified sign language interpreters who can interpret effectively, accurately and impartially through the use of any necessary specialized vocabulary.
    a. A resident with a disability will not be required to rely on another member of the public or another resident to interpret for him or her, unless there is an emergency involving an imminent threat to the safety or welfare of an individual and there is no interpreter available.
    b. In-person sign language interpreters will be used when Video Remote Interpreting (VRI) is not effective due to, for example, an individual's limited ability to move their head, hands or arms; vision or cognitive issues; significant pain, or due to space limitations in a room.
    c. If the VRS or VRI applications are not functioning properly and DAJD Personnel and the ADA Coordinator are unable to get the VRI or VRS device to function properly within three (3) hours of when it started to malfunction, an in-person interpreter will be called.
11. The Department will ensure that it has an ADA Coordinator and a backup ADA Coordinator.
12. The ADA Coordinator and the backup ADA Coordinator shall have the training necessary to ensure that they are fully knowledgeable about the legal rights of residents with disabilities and the legal obligations of King County with respect to residents with disabilities.
13. The Department will ensure that the ADA Coordinator and Backup ADA Coordinator have the resources and support needed to obtain and maintain ADA Coordinator certification.
14. The ADA Coordinator's duties will include:
    a. Coordinating the Department's efforts to comply with and carry out its responsibilities under the ADA;

b. Ensuring that their name, office address, and phone number is made available to all interested individuals;
c. Meeting with each resident who needs or requests auxiliary aids and services within one business day of the request being received to ensure that their needs are being met;
d. Ensuring that appropriate auxiliary aids and services and reasonable modifications requests are logged, and if required by a resident with a disability are provided without unreasonable delay, to include modifying access if needed;
e. Checking in or assigning a qualified and trained designee to check in, with each resident who needs auxiliary aids or services to effectively communicate at least once per week throughout the entirety of the resident's period of incarceration;
f. Overseeing the ADA grievance process, to include reviewing all complaints and grievances pertaining to alleged non-compliance with the ADA, directly investigating or designating an investigation, and reviewing all outcomes and written responses to ensure compliance with the ADA;
g. Implementing and updating policies related to residents with disabilities;
h. Training staff on the requirements imposed by the ADA;
i. Ensuring compliance with the grievance procedures;
j. Conducting regular, quarterly audits of auxiliary aid services, VRI/VRS functionality, and other ADA accommodations to verify that effective communication is consistently maintained throughout the KCCF and MRJC facilities;
k. Establishing and maintaining an alternative communication access plan to accommodate the needs of residents with disabilities during emergencies (e.g., natural disasters or unexpected disruptions in VRI/VRS services).

15. Implementing a centralized inventory and tracking system for all auxiliary aids and devices, including telecommunication devices, assistive listening systems, captioned media, and other ADA-required tools. Either the ADA Coordinator or the backup ADA Coordinator will be available to respond in-person to resident questions and complaints related to the ADA, answer questions from and provide advice and assistance to DAJD staff, and review Aids/Services Plans during normal business hours (9 a.m. to 5 p.m. on weekdays) or within one business day of the request being received outside normal business hours.
    a. Either the ADA Coordinator or the backup ADA Coordinator will be available for consultation with King County Personnel during all other hours of operation (i.e., whenever KCCF or MRJC is housing residents or otherwise providing services) through phone or videoconference.
16. The Department will maintain an ADA grievance tracking system that contains a copy of grievances, investigations, findings, responses, and appeals.
17. DAJD staff shall be provided with ongoing access to, and be familiar with, policies and procedures related to residents with disabilities and should reach out to the ADA Coordinator or trained designee if they have questions about the policy.
    a. At least once annually, the Department will ensure that DAJD staff receive training about their responsibilities under the ADA and effective communication with persons with hearing and vision disabilities.
18. Residents have the right to decline any ADA accommodation offered.
    a. When a resident declines an accommodation, DAJD has the ongoing responsibility of providing equal opportunity and prohibiting discrimination.
    b. Residents will be advised that they have the right to request an alternative ADA accommodation if the one offered by DAJD does not meet their needs.

19. Resident worker assignments shall be based on a resident's security status, behavior, performance and available resident worker assignments. A resident with a disability shall be considered for a resident worker assignment based on the same parameters as a resident without a disability. If necessary to avoid excluding a qualified individual resident with a disability, reasonable modification to rules, policies, or practices will be provided, unless DAJD can demonstrate doing so would fundamentally alter the nature of the service, program or activity.
20. Participation in programs and activities shall be based on a resident's security status, behavior, performance and program or activity availability. A resident with a disability shall be considered for program or activity participation based on the same parameters as a resident without a disability. Any reasonable accommodation will be considered in accordance with this policy. If necessary to avoid excluding a qualified individual resident with a disability, reasonable modification to rules, policies, or practices will be provided, unless DAJD can demonstrate doing so would fundamentally alter the nature of the service, program, or activity.
21. The department shall take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment in accordance with department policy 6.04.003, Prison Rape Elimination Act (PREA). There are multiple ways residents with disabilities can participate. They include but are not limited to:
    a) Prison Rape Elimination Act (PREA) Intake Video
    b) Written materials (Resident Handbook, PREA Posters, PREA Education at Intake Form, etc.)
22. Staff shall not coerce, threaten, or retaliate against residents with disabilities, or those aiding them in asserting their rights under the ADA or other disability access laws.
23. The Department will conspicuously post notices throughout the KCCF and MRJC that apprises residents of:
    a. Name and contact information (address and phone number) of the person to contact for ADA-related questions or concerns.
    b. A statement affirming that residents and visitors are entitled to the protections of the ADA, including the right to effective communication through the provision of appropriate auxiliary aids and services to ensure equal access and participation.
    c. Information on how to make a request or file a grievance.
24. The Department shall frequently evaluate its current services, practices, policies, and facility access to maintain ongoing ADA compliance.
25. All staff shall report resident disability concerns to the ADA Coordinator(s) or designee, their supervisors, classification and appropriate Jail Health Services (JHS) staff. This includes:
    a. Reporting medical concerns and disability-related needs.
    b. Reporting any maintenance, access or service requests.
26. Residents with hearing and/or vision disabilities will have access to captioned television programming, audio or otherwise accessible books and library materials as necessary to provide equivalent access to television programming, information, and activities as provided to other residents without hearing and vision disabilities.
27. Staff will provide accessible notifications to residents with hearing and/or vision disabilities to ensure they receive equal access to information regarding instructions and events, as well as emergency evacuation or other emergency alerts. Staff must provide necessary

assistance to ensure residents with hearing and/or vision disabilities are able to safely respond to emergency notifications and will be responsible for ensuring safe evacuation of residents with disabilities during emergencies.

B. Procedure

1. Residents with disabilities are responsible for making their needs known to the ADA Coordinator, Officers, JHS staff and classification.
2. If a resident needs or requests an auxiliary aid or service or reasonable modification to rules, policies or practices in order to participate in a service, program, or activity, staff shall report it to the ADA Coordinator(s).
3. Residents with disabilities will be searched consistent with Department policy 4.02.005 - Search of Residents; however, a resident's disability will be taken into consideration when determining whether and how to search the individual. A supervisor may provide directions for searching a resident whose disability prevents a routine search.
4. If Department staff deem it necessary to handcuff or otherwise restrain a resident with a hearing disability, they will handcuff or otherwise restrain a resident who uses sign language or writing to communicate so their hands remain in front (i.e., waist chains or hands cuffed in front) unless based upon an individualized assessment doing so would pose a direct threat as defined in this policy.
5. Department staff will not restrain the hands of a resident who uses a white cane and who relies on their hands to navigate, unless they determine based upon an individualized assessment that not handcuffing or restraining the resident's hands would pose a direct threat as defined in this policy.
    a. In situations requiring restraints, less restrictive alternatives to hand restraints, or restraint techniques that permit sufficient forward arm extension and mobility to sweep a white cane in front of the body, will be used when possible.
    b. Department staff will be trained on appropriate alternatives to hand restraints and on how hand restraints must be removed from residents with vision disabilities who use white canes or rely on their hands to navigate their surroundings in a secure environment when the resident does not pose a direct threat, as defined in this policy.
6. The Court Services, Personal Recognizance Investigator, shall document and forward any pertinent and appropriate information to the courts.
7. The Corrections Program Specialists shall:
    a. Classify residents with disabilities and assign them to housing units with access to cells and restrooms that meet their accessibility needs.
    b. Enter appropriate and pertinent information about a resident's disability into JMS. Confidential health care clinical diagnoses and medical treatment are not to be entered.
    c. Notify the ADA Coordinator of the ADA resident and if the resident's disability requires specific accommodations.
8. Supervisors shall:
    a. Ensure referrals and services are being completed in a timely fashion.
    b. Ensure critical placements involving safety issues are made following Department policy 6.03.003, Critical Resident Placement.

C. Housing

1. DAJD and JHS will work together to determine what accommodations are appropriate and JHS shall be able to request housing assignments based on the need of a resident's specific disability.
2. Residents who use wheelchairs or have other mobility disabilities will be assigned to housing units with access to accessible restroom features, including, but not limited to, grab bars, minimum floor clearances to accommodate a wheelchair in toilet and shower compartments, accessible sinks and dispensers, unless doing so would result in a fundamental alteration in the nature of the service, program or activity or in undue financial administrative burden.
3. If a resident using a wheelchair or other mobility device cannot be housed in an accessible unit, staff will report to the ADA Coordinator(s). The decision that compliance would result in such alteration or burdens must be made by the head of the Department or their designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.
4. Residents with disabilities will receive necessary accommodations, including but not limited to modifications to environments and modified support from correctional staff in order to receive equal living benefits and services as other residents.
5. The Department will permit residents with vision disabilities to choose whether to navigate independently or with sighted guidance from individuals who are adequately trained in appropriate guiding techniques.
    a. When residents with vision disabilities are assigned to a new housing location, the Department must offer and provide adequate sighted guidance in accordance with the resident's needs and preferences.
    b. This will normally be accomplished by the escorting officer assisting the resident with vision disabilities in mapping the new housing location (i.e., bunk/cell location, toilet and shower location, etc.), unless the resident with vision disabilities declines this assistance.
6. Unless it is appropriate to make an exception, such as for temporary, short-term moves that are necessary for security or administrative purposes (e.g., placing a resident with a disability in a medical area at a stopover facility during a transfer from one facility to another), residents with disabilities will not be housed in designated medical areas unless they are actually receiving medical care or treatment or in more restrictive areas than they would otherwise be assigned based on their classification.
7. Residents at KCCF or MRJC may be placed in medical housing (excluding the Infirmary) where a resident with a disability is housed with other residents (with and without disabilities).
8. Regardless of placement, residents with disabilities will have full access to programs, services and activities.
9. Placement of a resident with a disability in medical housing is authorized when an individualized assessment concludes that such placement is in the best interest of the resident with a disability or necessary to ensure the safe operations of the facility.
10. The Department will not categorically prohibit residents with disabilities from being housed in General Population.

D. ADA Grievances

1. ADA grievances should be submitted to the ADA Coordinator as soon as possible, but no later than 60 days after the alleged incident.

2. Grievances may be submitted in any accessible format that allows the resident to express and receive information as independently as possible without relying unnecessarily on third parties.
3. Grievance Coordinator shall:
   a. Forward all ADA grievances to the ADA Coordinator for review.
4. The ADA Coordinator or designee shall:
   a. Meet with the complainant within 15 calendar days of receipt of the complaint to discuss the complaint and the possible resolutions and provide reasonable accommodation necessary for effective communication.
   b. Respond in writing or another format accessible to the complainant within 15 calendar days of the meeting explaining the position of the Department and offer options for substantive resolution to the complaint.
   c. The complainant has 15 calendar days after receipt of the response to appeal to the Director or designee.
   d. Within 15 calendar days of receipt of the appeal, the Director or designee will meet with the complainant to discuss the complaint and possible resolutions.
   e. Within 15 calendar days of the meeting, the Director or designee will respond in writing or another format accessible to the complainant with a final resolution to the complaint.
   f. All written complaints/grievances and responses will be retained in accordance with any applicable laws, retention schedules and agreements.